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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:19-mj-00392-NJK

Plaintiff,

vs.

STEPHANIE GEORGE et al.

**STIPULATION TO CONTINUE
PRELIMINARY EXAMINATION
(Fourth Request)**

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between, the United States of America, through the undersigned, Margaret W. Lambrose, Esq., Counsel for Defendant STEPHANIE GEORGE, Dustin R. Marcello, Esq., Counsel for Defendant CHIVAS GRAVES, and David R. Fischer, Esq., Counsel for Defendant MONTRIE LEDFORD, that the Preliminary Examination Hearings currently scheduled for Wednesday, November 13, 2019, be continued for no less than sixty (60) days. This stipulation is entered into for the following reasons:

1. Counsel for defendant GEORGE spoke with GEORGE, who is out of custody, and GEORGE has no objection to the request for continuance;
 2. Counsel for defendant CHIVAS spoke with CHIVAS, who is in custody, and

- 1 CHIVAS has no objection to the request for continuance;
- 2 3. Counsel for defendant LEDFORD spoke with LEDFORD, who is out of custody,
- 3 and LEDFORD has no objection to the request for continuance;
- 4 4. As indicated below, counsel for the United States has no objection to the request for
- 5 continuance;
- 6 5. Counsel for the government was recently assigned the case following the departure of
- 7 previous counsel and will need additional time to review discovery;
- 8 6. Counsel for defendant CHIVAS has requested a pre-plea PSR to determine a probable
- 9 criminal history category as is awaiting the production of that report.
- 10 7. The additional time requested herein is not sought for the purposes of delay, but to
- 11 allow all counsel sufficient time to effectively and thoroughly research and prepare;
- 12 8. Denial of this request for continuance could result in a miscarriage of justice;
- 13 9. Denial of this request for continuance would deny undersigned counsel sufficient time
- 14 to effectively and thoroughly prepare, taking into account the exercise of due
- 15 diligence;
- 16 10. The additional time requested is excludable in computing the time within which trial
- 17 must commence pursuant to the Speedy Trial Act, Title 18, United States Code,
- 18 Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A)
- 19 considering the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and
- 20 3161(h)(7)(B)(iv);
- 21 11. This is the fourth request for a continuance filed herein.

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1 WHEREFORE, for the foregoing reasons, the ends of justice would best be served by a
2 continuance of the preliminary hearings for no less than sixty (60) days.

3 DATED this 4th day of November 2019.

4 Respectfully submitted,

5 NICHOLAS A. TRUTANICH
6 UNITED STATES ATTORNEY

7
8 */s/ Robert Knief*

9 ROBERT KNIEF
10 Assistant United States Attorney

11 */s/ Margaret W. Lambrose*

12 MARGARET W. LAMBROSE, ESQ.
13 Counsel for Defendant GEORGE

14 */s/ Dustin R. Marcello*

15 DUSTIN R. MARCELLO, ESQ.
16 Counsel for Defendant GRAVES

17 */s/ David R. Fischer*

18 DAVID R. FISCHER, ESQ.
19 Counsel for Defendant LEDFORD

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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 UNITED STATES OF AMERICA,
7 Plaintiff,
8 vs.
9 STEPHANIE GEORGE et al,
10 Defendants.

Case No. 2:19-mj-00392-NJK

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

11 **FINDINGS OF FACT**

12 Based on the pending Stipulation of counsel for LEDFORD, and good cause appearing
13 therefore, the Court finds that:

- 14 1. Counsel for defendant GEORGE spoke with GEORGE, who is out of custody, and
15 GEORGE has no objection to the request for continuance;
- 16 2. Counsel for defendant CHIVAS spoke with CHIVAS, who is in custody, and
17 CHIVAS has no objection to the request for continuance;
- 18 3. Counsel for defendant LEDFORD spoke with LEDFORD, who is out of custody,
19 and LEDFORD has no objection to the request for continuance;
- 20 4. As indicated below, counsel for the United States has no objection to the request for
21 continuance;
- 22 5. Counsel for the government was recently assigned the case following the departure of
23 previous counsel and will need additional time to review discovery;
- 24 6. Counsel for defendant CHIVAS has requested a pre-plea PSR to determine a probable

criminal history category as is awaiting the production of that report;

7. The additional time requested herein is not sought for the purposes of delay, but to allow all counsel sufficient time to effectively and thoroughly research and prepare;
8. The additional time requested herein is not sought for the purposes of delay, but to allow counsel for the Defendants sufficient time to effectively and thoroughly research and prepare;
9. Denial of this request for continuance could result in a miscarriage of justice;
10. Denial of this request for continuance would deny undersigned counsel sufficient time to effectively and thoroughly prepare, taking into account the exercise of due diligence;
11. The additional time requested is excludable in computing the time within which trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv);
12. This is the fourth request for a continuance filed herein.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy sentencing, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare, taking into account the exercise of due diligence.

1 The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United
2 States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A)
3 considering the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and
4 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the preliminary examination in the above-captioned matter currently scheduled for November 13, 2019 at 4:00 p.m., be vacated and continued to January 22, 2020, at 4:00 p.m.

9 IT IS SO ORDERED.

10 || Entered: November 4, 2019

THE HONORABLE NANCY J. KOPPE
United States Magistrate Judge